

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST
LITIGATION

No. M 07-1827 SI
MDL No. 1827

This Order Relates To Individual Case No. 13-cv-3349 SI:

ACER AMERICA CORPORATION;
GATEWAY, INC.; and GATEWAY U.S.
RETAIL, INC. f/k/a EMACHINES, INC.,

Plaintiffs,

v.

HITACHI, LTD.; HITACHI DISPLAYS, LTD.;
HITACHI ELECTRONIC DEVICES (USA),
INC.; NEC CORPORATION; NEC
CORPORATION OF AMERICA; NEC
DISPLAY SOLUTIONS OF AMERICA, INC.;
NEC LCD TECHNOLOGIES, LTD., NEC
ELECTRONICS AMERICA, INC.; TOSHIBA
CORPORATION; TOSHIBA MOBILE
DISPLAY CO., LTD.; TOSHIBA AMERICA
ELECTRONIC COMPONENTS, INC.;
TOSHIBA AMERICA INFORMATION
SYSTEMS, INC.; LG DISPLAY CO., LTD.; LG
DISPLAY AMERICA, INC.,

Defendants.

No. C 13-3349 SI

**ORDER RE ADMINISTRATIVE
MOTION FOR ISSUANCE OF LETTERS
ROGATORY**

Currently before the Court is plaintiffs' administrative motion for issuance of letters rogatory.

Plaintiffs ask the Court to issue twenty-two letters rogatory to compel the production of foreign

1 documents and the depositions of foreign witnesses.¹ Defendants oppose the issuance of these letters
2 rogatory on several grounds; they contend that: (1) the letters rogatory seek, in part, information that
3 has already been produced in the MDL; (2) the letters rogatory erroneously state that many of the
4 defendants have admitted to criminal price-fixing conspiracy when in fact, only two of the remaining
5 eleven defendants pleaded guilty; (3) the letters rogatory erroneously characterize all defendants as LCD
6 manufacturers, when some never manufactured LCDs; and (4) the letters rogatory contain several
7 unproven allegations characterized as facts. MDL Master Dkt. No. 9105.

8 The Court hereby rules as follows. Plaintiffs' request for the issuance of twenty-eight letters
9 rogatory is GRANTED. However, before the letters are issued, plaintiffs are ORDERED to (1) remove
10 requests for any information previously produced in this MDL; (2) clarify which defendants actually
11 admitted criminal liability; (3) clarify which defendants were actually LCD manufacturers; and (4)
12 correctly differentiate between facts and unproven allegations. This Order resolves MDL Master Dkt.
13 No. 9071.

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15 **IT IS SO ORDERED.**

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17 Dated: September 26, 2014

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SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

¹Plaintiffs initially sought the issuance of thirty-two letters rogatory but later withdrew the motion as to defendants Chi Mei Corporation, Innolux Corporation, CMO Japan Co. Ltd., Nexgen Mediatech, Inc., Sanyo Consumer Electronics Co., Ltd., Sanyo Electric Co., Ltd., Hitachi, Ltd., Samsung Electronics Co., Hannstar Display Corporation, and Sharp Corporation. See MDL Master Dkt. Nos. 9101, 9102, 9127, 9148.